

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>JUN 2 2 2010</u>
Returned to applicant for correction	_____
Corrected application filed	Map filed <u>JUN 2 5 2010</u>

The applicant Muddy Valley Irrigation Company ("MVIC")P.O. Box 665of Overton

Street Address or PO Box

City or Town

Nevada, 89040

hereby make(s) application for permission to change the

State and ZIP Code

☒ Point of diversion☐ Place of use☐ Manner of use☒ of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 734831. The source of water is Muddy River

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 6 c.f.s. up to a maximum of 337 acres (no change in place of use, see item 8)

Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Irrigation and Domesitc

Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use

4. The water heretofore used for Irrigation and Domestic

If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

SW SE 1/4 Sec 1/4 Section 36, T14S, R65E MDB&M, at a point from which the SE corner of Section 36, T14S, R65E MDB&M
bears S 79 degrees 01' 00" E a distance of 1,340 feet. See supporting map filed with this application.
34' 19"

REL
6-25-10

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

The existing POD is within the SW 1/4 SE 1/4; Section 26, T14S, R65E, MDB&M, at a point from which the NE corner of
Section 26 T14S, R65E, MDB&M bears N 29 degrees 44' 20" E, a distance of 5,187.12 feet. See map filed under Permit
73482.

KWC
6/24/1013- 218
CL

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

No change in place of use.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

THE AREA OF USE IS A PORTION OF SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SECTION 25, S $\frac{1}{2}$ SE $\frac{1}{4}$ SECTION 26, NE $\frac{1}{4}$ SECTION 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SECTION 36 T.14 S., R. 65 E.; SW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 31, T. 14 S. R. 66 E.; NE $\frac{1}{4}$ SECTION 1, T 15 S. R. 65 E.; W $\frac{1}{2}$ NW $\frac{1}{4}$ SECTION 6, T. 15 S. R. 66 E. ALL MDB & M. 646 ACRES TOTAL AS DESCRIBED IN PERMIT NUMBERS 73482 AND 73483 AND SHOWN ON MAP FILED UNDER 734812.

KWC
6/24/10

9. Proposed use will be from January 01 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 01 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Pumped diversion into a pipeline from a sump that will be off-set from river channel.

12. Estimated cost of works \$150,000

13. Estimated time required to construct works 9 months

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use three years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This application is submitted so that the Moapa Band of Paiute Indians ("MBPI") can irrigate a portion of its lands diverting up to 1,400 consumptive AFY of its Muddy River water rights at the proposed POD as described in ¶16 below.

16. Miscellaneous remarks:

(See attached remarks)

muddyvalley@mvdsl.com

E-mail Address

(702) 398-7310

Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Scott Millington

Type or print name clearly

Scott Millington

Signature, applicant or agent

Muddy Valley Irrigation Company

Company Name

P.O. Box 665

Street Address or PO Box

Overton, Nevada 89040

City, State, ZIP Code

RECEIVED
2010 JUN 22 AM 10:55
STATE ENGINEERS OFFICE

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Muddy Valley Irrigation Company

16. Miscellaneous Remarks:

This change application seeks only to change a portion of the diversion rate of permit 73483 to a new point of diversion. The requested diversion rate is 6 cfs and the requested diversion amount is 1,400 afy of consumptive use. We request that the seasonal diversion rates and consumptive use quantities remain a combined duty for this change application and permits 73482, 73483, and 73695. We also request that the diversion rate subject to this change application be allowed to revert back to the original point of diversion under permit 73483 if at anytime MVIC wishes to withdraw this application.

The MBPI water rights in the Muddy River covered by this application are founded on a Surface Water Lease ("MVIC – MBPI Lease") dated 4/20/06 by which MVIC leased Muddy River water rights to MBPI for 99 years (with a 99-year renewal option). Recently, MBPI subleased rights under that MVIC – MBPI Lease to Southern Nevada Water Authority ("SNWA") for a five-year term (1/1/09 to 12/31/13) ("MBPI – SNWA Sublease"), on the basis of which SNWA expects to obtain water credits in Lake Mead in the form of "Intentionally Created Surplus" under Colorado River Guidelines issued by the Secretary of the Interior on 12/13/07. During years 1, 2 and 3 of the MBPI – SNWA Sublease, the Sublease will provide a minimum of 3,300 consumptive afy to SNWA, and during years 4 and 5 of that Sublease will provide a minimum of 2,300 consumptive afy to SNWA. The balance of the Muddy River rights under the MVIC – MBPI Lease (maximums of 400 consumptive afy in MBPI – SNWA Sublease years 1, 2 and 3 and 1,400 consumptive afy in Sublease years 4 and 5), will mean reduced irrigation of MBPI lands during the five year term of the MBPI – SNWA Sublease. The POD sought by this application will enable more efficient use for irrigation purposes of water diverted by MBPI. At the requested POD, MBPI will construct a pressurized irrigation pipeline system. The existing irrigation canals on the Reservation are not expected to be used during the MBPI – SNWA Sublease term. The change from open channel to pressurized and metered pipeline irrigation will improve efficiency and provide better accounting of water used.